

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

EVERETTE LEE SMITH,)	
Petitioner,)	Civil Action No. 7:13-cv-00089
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
UNITED STATES OF AMERICA,)	By: Hon. Michael F. Urbanski
Respondent.)	United States District Judge

By Order entered March 15, 2013, the court construed Everett Lee Smith's letter as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and conditionally filed the petition. In the conditional filing order, the court directed Smith to complete a § 2241 petition form and either pay the filing fee or sign and return a consent to fee form within ten (10) days of the entry of that order. The court advised Smith that failure to comply with the court's order would result in the dismissal of his action without prejudice.

As the time allowed for such response has elapsed and as Smith has failed to respond in any way to the court's order, it is hereby **ORDERED** that this action is **DISMISSED without prejudice** and **STRICKEN** from the active docket of this court. Smith is advised that he may re-file his claims in a separate action.

The Clerk of the Court is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

Entered: April 17, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge